

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

KEVIN SCOTT HOLMES,	§
TDCJ-CID No. 1880604,	§
Petitioner,	§
	§
v.	§ Civil Action No. 1:15-CV-95
	§
LORIE DAVIS, Director,	§
Texas Department of Criminal	§
Justice, Correctional Institutions	§
Division,	§
Respondent.	§

**RESPONDENT'S OBJECTIONS TO THE MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION**

While the Director agrees with the Magistrate Judge's ultimate recommendation to deny the petition for writ of habeas corpus, the Director must object to those findings and conclusions with which she disagrees. *See Douglass v. United Services Auto Ass'n*, 79 F.3d 1415 (5th Cir. 1996). Otherwise, she will be barred from challenging the same on appeal. *Id.* The Director objects to the Magistrate Judge's failure to find that the petition is time-barred. ECF 12. Holmes's claims are over three months late, as argued by the Director in her answer. ECF 11, at 3-6. Consequently, this objection is made in an abundance of caution to perfect the record for appeal.

Respectfully submitted,

KEN PAXTON  
Attorney General of Texas

JEFFREY C. MATEER  
First Assistant Attorney General

ADRIENNE McFARLAND  
Deputy Attorney General  
for Criminal Justice

EDWARD L. MARSHALL  
Chief, Criminal Appeals Division

\*Lead Counsel

/s/ Jessica Manojlovich  
JESSICA MANOJLOVICH\*  
Assistant Attorney General  
State Bar No. 24055632

P. O. Box 12548, Capitol Station  
Austin, Texas 78711  
(512) 936-1400  
(512) 936-1280 (FAX)

ATTORNEYS FOR RESPONDENT

### **CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the above and foregoing pleading will be served by placing the same in the United States Mail, postage prepaid, on the 30th day of March, 2017, addressed to:

Kevin Scott Holmes  
TDCJ-CID No. 1880604  
Beto Unit  
1391 FM 3328  
Tennessee Colony, TX 75880

/s/ Jessica Manojlovich  
JESSICA MANOJLOVICH  
Assistant Attorney General